



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

subject. It does not attempt to reach definitive solutions. The time is not yet ripe to do so. But the material is there, awaiting the gradual synthesis which will create out of it a consistent theory of competitive relations — a theory which will avoid “the ferocious extreme of competition” on the one hand, and its complete cessation on the other. Such a theory will mark a great step forward in the readjustment of our legal system to the needs of a complex industrial civilization.

THURLOW M. GORDON.

SELECT CASES AND OTHER AUTHORITIES ON THE LAW OF WILLS AND ADMINISTRATION. By Joseph Warren. Cambridge. Published by the Editor. 1917. pp. xi, 879.

An outstanding feature of Professor Warren's collection of cases is the fact that the larger part of the volume — to be precise, four hundred and eighty-eight out of the eight hundred and seventy-nine pages — is devoted to the subject of administration. This is an innovation upon the usual practice of case-book editors, who, following the line of least resistance, emphasize the less difficult topics of the form, execution and revocation of wills. Yet every lawyer recognizes that the law of executors and administrators is not less important than the other portion of testamentary law. Professor Warren's book, because of its emphasis upon this comparatively neglected field, ought to receive special recognition by teachers and students.

While the evolution of our law of wills has been relatively neat and orderly, there is hardly a branch that has had less logic and method in its historical development than that of administration. The accidental and historical distinctions between law and equity, between real and personal property, and between the jurisdictions of state and church courts, have here left their mark deeply impressed. The resulting intricacy, which made the title “executors and administrators” a favorite one with the authors of mediaeval abridgments, has rendered it necessary that the subject be practically reconstructed in modern times. The editor has given full recognition to this fact by selecting for the most part modern material as a basis for the study of the subject. Thus, a long chapter is devoted to the very modern subject of inheritance taxes (pages 503-579), and the matters of survival of claims and the performance of the contracts of executors and administrators are surprisingly well treated by means of recent English and American cases, including even so recent a case as *Quirk v. Thomas*, [1916] 1 K. B. 516.

Valuable notes throughout the book supplement the text without affecting its usefulness as a case book for the use of students. A good example of such a note, referring not only to reported cases but to abundant statutory material, may be found at pages 283 to 285, where the editor refers to the American statutes giving to the pretermitted heir or the posthumous child a protection which was denied by the extreme liberty of testation authorized by the English law.

The excellent character of the typography and the generally agreeable form of the volume deserve special commendation. It is believed that an index might have rendered the book useful to the practitioner without detracting from its value for the purpose for which it was primarily intended.

ORRIN K. McMURRAY.

TELEGRAPH AND TELEPHONE COMPANIES. Second Edition. By S. Walter Jones. Kansas City, Missouri: Vernon Law Book Company. 1916. pp. xxiv, 1065.

The publication of a new edition of this standard work, issued originally a decade ago, is timely in view of the extensive development of the law appli-

cable to these two utilities, and especially to the telephone, since it first appeared. A considerable number of new sections have been added, and the footnotes have been expanded to include all the important cases on the subjects treated. The author also discusses the general subject of electric law in order to make clear the relations of telegraph and telephone companies with the public and the utility commissions and with other utilities using the public highways for poles and wires.

The increase in the number of electrical power companies having central generating stations and providing for the distribution of current by means of lines constructed on public highways, extending long distances from the central stations, has given rise in recent years to numerous instances of electrical interference between high tension lines and lines of telegraph and telephone companies, which latter are operated by a comparatively weak current. Public utility commissions the country over are devoting much time to investigations of interference conditions for the purpose of formulating rules for the construction and maintenance of power lines which will permit their operation in the neighborhood of other utilities using the same highways with as little injury to the latter as possible. The cases in courts of last resort affecting this important matter are not numerous, but these are cited and discussed.

This book is admirably written, the citations being full and well arranged, and the index adequate. The reasoning and principles underlying the decisions are thoroughly analyzed.

The arrangement of the material is all that could be desired, provided one accepts the theory that a single legal treatise should cover the law applicable to both telegraph and telephone companies. That arrangement of the two subjects is customary, due perhaps to the fact that both utilities afford means of communication by wire, and each utility makes use of poles, wires, public rights of way, and the electric current. But there is a clear distinction in the character of the service rendered to the public by these utilities. The telephone company furnishes the necessary facilities to enable members of the public themselves to communicate with one another by the use of their own voices. The telegraph company, on the other hand, not only affords the mechanism of communication, but itself undertakes the duty of promptly and correctly transmitting a message, which the sender delivers to the company in writing, to a distant point where the message is transcribed by an employe of the telegraph company and delivered to the addressee. Obviously, since the rights of patrons and the duties owed to them by the two utilities are so essentially distinct in fact, legal questions arise in the operation of the one which are quite different from those involved in the business of the other. There are a large number of decisions covering the liability of telegraph companies for delay or error in the transmission of messages which can never arise in connection with the operation of the telephone. The telegraph business in America is handled by a very few corporations. There are many thousands of telephone companies serving over eleven million patrons. It would be a great convenience if attorneys for telephone companies were able to turn to a treatise devoted solely to telephones, unincumbered by a mass of discussion relating to another industry and relating to questions with which they have no occasion to deal. The same would also be true in regard to the law of telegraphs. The two subjects have been considered together in existing encyclopaedias, but they should be separated in future publications of that kind. At least one of the publishers of selected cases now indexes telegraphs and telephones separately.

This treatise stands alone in its field, and its usefulness to the profession has been generally recognized.

HAROLD L. BEYER.